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In re Application of:	:	
Sear, Nicolas C.	:	DECISION
Application No.: 10/530,961	:	
PCT Application No.: PCT/US03/04259	:	ON PETITION
Int. Filing Date: 11 February 2003	:	
Priority Date: 13 February 2002	:	UNDER
Atty Docket No.: 03005	:	
For: INTERLACING TEXTILE SLIDE JET	:	37 CFR 1.137(b)

Applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 11 April 2005 is **GRANTED**.

BACKGROUND

On 11 February 2003, applicant filed international application PCT/US03/04259. The international application claims a priority date of 13 February 2002 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 13 August 2004. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 13 August 2004.

On 11 April 2005, applicant filed the instant petition for revival accompanied by, *inter alia*, a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, a check for the requisite national stage fee as required by 35 U.S.C. 371(c)(1), a declaration of the inventor as required by 35 U.S.C. 371(c)(4), and the petition fee as required by 37 CFR 1.17(m).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) the petition fee required by law (3) a statement

that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

The submission of the basic national fee satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). Applicant's statement in the petition that "The entire delay in filing the required reply from the due date for the required reply, until the filing of the grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an international filing date of 11 February 2003 under 35 U.S.C. 363 and a date of 11 April 2005 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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